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**Tonto Village
Domestic Water Improvement District
HC7, Box 363
Payson, AZ 85541
Phone: (928) 595-1111
FAX: (928) 474-2876**

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AZ CORP COMMISSION
DOCKET CONTROL

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Directors and Officers:

Daryl Kilbourne, Chairman
Jerry Lewinson, Vice-Chairman
Gary Martin, Clerk/Secretary
John Digman, Treasurer
DeWayne Stewart, Parliamentarian

Staff:

Harry D. Jones, District Manager
Linda Stailey, Administrative Assistant

4-27-08

Arizona Corporation Commission
Utilities Division
1200 W. Washington Street
Phoenix, AZ 85007

Arizona Corporation Commission
DOCKETED

MAY 02 2008

DOCKETED BY	NR
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Attention: Docket Control
Del Smith, Engineering Manager
Dorothy Hines, Staff Engineer
Robin Mitchell, Staff Attorney
Brian Bozzo, Compliance and Enforcement

Re: Request to Revoke Requirements to Install New Water Source and WIFA Financing
Application for Tonto Village Water Co., Inc. Docket No. W-01580A-04-0672

Ladies and Gentlemen:

As the District Manager of the Tonto Village Domestic Water Improvement District ("District") and an applicant for intervention rights, I wish to make you aware of (1) a communication from the District to Ron Standage, President of Tonto Village Water Co. ("TVWC" or "Company"), and (2) a brief report to the District prepared by Michael Ploughe of Highland Water Resources Consulting that relates to professional procedures that should be followed to enhance the probability of successfully developing additional water resources in the Tonto Village community.

The purpose of the attached letter to Mr. Standage is to communicate to him and the ACC as to how the District is willing to work with the Company and the ACC to allow the Standage family time to negotiate the sale of the water system to the District (stated desire of the Company for years). The conditions in the letter to the Company are designed to make sure the Company owners deal in good faith with the District, rather than using the rate application, the financing request, the WIFA loan application, the motion for eliminating the requirements for a new well, etc. as delay tactics to avoid the Company having to invest significant financial resources necessary to solve water problems in the Village.

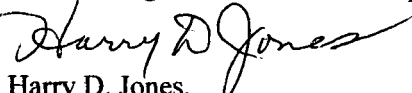
The purpose of the attached report entitled "Proposed Water Resources Development and Planning Strategy" by Ploughe (and his associated Statement of Qualifications) is to make sure, if the Commissioners do vote to allow the Company more time to pursue drilling a new well, that the Company would be ordered by the Commissioners to follow professionally recommended well development and storage procedures and strategies, rather than the Company simply committing to the ACC and residents that "we will drill deep" next to an existing well. In addition to the Ploughe procedural recommendations, to significantly increase the chances of success of new wells in Tonto Village, additional technical reports such as those listed on the attached preliminary references from the Mogollon Rim Water Resources Management Study (a \$700,000 joint study by the Bureau of Reclamation, Gila County and Town of Payson) should be carefully evaluated by anyone attempting to solve the water problems in the Village.

Again, as requested in the District's letter requesting intervention dated 1-28-08, we seek and expect good faith dealings with the District by TVWC in terms of the Company negotiating an asset sale; or alternatively we want the ACC to eliminate TVWC as the holder of the CC&N. With the engagement of professional managers for the system by the District Board, and with adequate financial resources raised through taxes and operating fees, the residents feel the District, rather than the Company, can better serve the water this summer and for all years in the future.

If you have any questions or need additional information, please call. Also, please send me the copy of the engineering report filed by Dorothy Hines after her visit to the system on 4-17-08.

Cordially,

Tonto Village Domestic Water Improvement District



Harry D. Jones,
District Manager

Service List for Tonto Village Water Company, Inc.
Docket No.: W-01580A-04-0672

Ronald Standage
Tonto Village Water Company, Inc.
P.O. Box 9116
Mesa, AZ 85214

Christopher Kempley, Chief Counsel Legal Division
Arizona Corporation Commission
Utilities Division
1200 W. Washington Street
Phoenix, AZ 85007

Ernest J. Johnson, Director Utilities Division
Arizona Corporation Commission
1200 W. Washington Street
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Domestic Water Improvement District
HC7, Box 180
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Staff:

**Harry D. Jones, District Manager
Linda Stailey, Administrative Assistant**

April 18, 2008

Mr. Ron Standage, President
Tonto Village Water Co. Inc.
P.O. Box 9116
Mesa, AZ 85214

Dear Mr. Standage:

As the District Manager of the Tonto Village Domestic Water Improvement District ("District"), I have received the Tonto Village Water Co. ("TVWC") letter dated April 9, 2008 that was addressed to Gary Martin. A duplicate of your letter will be forwarded to the Arizona Corporation Commission ("ACC") along with a copy of this letter to you.

The purpose of this letter is to seek your cooperation and that of the ACC to again move forward with the sale of the water system and properties to the District so that the residents, through the District operations, can receive the "adequate service" they deserve and are legally entitled to have.

The property owners and rate payers within the District, and hopefully the five ACC Commissioners, can no longer wait for Tonto Village Water Co. to take the necessary actions to provide "adequate service" as required by the ACC. The rate-payers and the Commissioners have been more than patient and have tried to work with you and your family for many years. Recently, doubts have grown significantly as to your intentions or willingness to move forward with remedies you could currently be taking to improve service, or with steps you could be taking regarding a sale of the water system. These doubts are based on (a) your ignoring of the Commission orders since 2005 to provide new water resources as described in Docket W-01580A-04-0672; (b) your recent motion to revoke the order for drilling a new well as filed on December 27, 2007 in which you claim "proceeding with a new water source at this time (is) unnecessary" and "Company customers have had consistent water delivery"; (c) your follow-up memo to the ACC

dated 3-27-08 and your memo to customers dated 4-4-08, both of which give no confidence of any positive action occurring; (d) your inclusion of the water use restriction letter (curtailment policy) with the latest bills; and (e) most recently your April 9 letter indicating you are unwilling to place a high priority of negotiating a sale of the water system to the District.

Inadequate financial resources and no specific action for years to solve the inadequate service issue are not acceptable any longer. Many of the community members feel that good water sources were a prime sales feature for the Tonto Village development for many years and adequate water was basically included as a part of the lot purchases. The feature of reliable and adequate water resources was something that allowed your family to have a successful real estate development for more than four decades. In 1996, it is apparent Tonto Village Water Co. encouraged the residents to form a domestic water improvement district to relieve your family of the burden of operating a water company; however, there was a change of direction on the part of the company and the sale of the system failed to be completed at that time.

Again, about two years ago you indicated to the residents that you wished to sell the water operations to the residents, but you needed them to have a District Board in place to make the acquisition. Thus, in mid 2007, the residents did agree to ask the Gila County Board of Supervisors to determine how to "re-establish" the Tonto Village Domestic Water Improvement District. The Gila County Board of Supervisors, at the encouragement of the residents and the willingness of the residents to be taxed, did re-establish the District by imposing taxes and by holding an election in the fall of 2007 at which time five new Board members were elected to take office in January 2008.

Next, after the District citizen Board was sworn into office after an 11 year wait, you indicated you were not willing to even discuss a sale transaction with the citizen Board (or its appointed District Manager) that had specifically been put in place at your request to negotiate the transaction.

Now, in your April 9 letter, you are again seeking to delay the negotiating process until (a) the rate hearing is completed (six or more months you estimate), (b) the new well requirement process and related WIFA loan application process is finished (usually 12-18 months in my experience), and (c) you handle the many legitimate formal complaints that have been recently filed (likely to go on for months or years unless the problem is corrected). These delays, with very tenuous outcomes, are wholly unacceptable to the District. Residents feel for 11 years, and especially for the last 12 months, they have done exactly what you asked them to do, and now you are refusing to move forward even after you have indicated to the ACC on several occasions your reason for not solving the problems was that a district is being formed to which you wish to sell the water operations.

Knowing of your family's loss in recent months, your personal health conditions, and your purported financial inability to properly fund the company operations, the District is willing to support a requests we believe your should make to the ACC to remove the two

major impediments to negotiations which you outlined in your letter of April 9. We realize you face time constraints, and for the District to be supportive and cooperative with you and the Commission, we suggest you do the following under the conditions outlined in the paragraph below the two following points:

- Make a request to the ACC to place a "stay" on the impending requirement you face to have a new well in place by April 30, 2008. Ask them to give you until June 30 2008 to put that well in service if you choose to not reach agreement with the District to sell the water system during the next 60 days.
- Make a request to the ACC to place a 60 day stay on required progress on the forward movement of the rate application filed on December 27, 2007.

The support of the District in agreeing to these steps is fully dependent on your opening good faith negotiations, not delay tactics, with the District (and the ACC if they wish to participate) for the sale of the water system assets to the District. If you agree to seek the above stays from the ACC, and you agree by May 1, 2008 to deal in good faith with the District (starting negotiations by May 7, 2008) for the sale of the infrastructure and lands for a period of up to 60 days, the District will seek to minimize any other efforts that divert your attention from immediately seeking progress toward "adequate service" for our District members.

Two long-time residents have recently prepared intervention requests to the ACC hoping to be able to cross examine you and your witnesses should the hearings go on forward. However, the District, by the above suggested actions wants to allow you the time to have one more chance to do what you have told the residents for years you want to do, i.e. negotiate a sale to the Village residents.

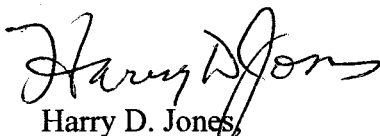
By a copy of this letter to the Commissioners, we will be immediately seeking their cooperation and support for you. If the District does not have your agreement by May 1, 2008 to open negotiations by May 7 (to be completed by June 30), the District will likely be forced by your inaction to seek all other legal remedies to have Tonto Village Water Co. either provide the adequate service required by the State of Arizona, or to be removed as the purveyor of water for Tonto Village.

Please be aware that dealing in good faith on both parties parts during negotiations is intended to include TVWC granting the District adequate access to wells and company properties to carry out reasonable due diligence efforts to know more precisely the engineering and physical status of the real property, the wells, the tanks, the pumps, the piping, as well as the appraisal information, ADEQ status, ACC engineering status, etc. Also, good faith will include you reasonably cooperating with or negotiating with all the Board or its appointed representatives, not single individuals like you have requested to deal with over the last few months.

Therefore, please respond as to your intentions related to an immediate start of good faith negotiations by May 1.

Cordially,

Tonto Village Domestic Water Improvement District


Harry D. Jones,
District Manager

Cc: Arizona Corporation Commission Docket Control
Each commissioner
Each TVDWID Board member



HIGHLAND WATER
RESOURCES CONSULTING Inc.

Water Resources Solutions

April 28th, 2008

Harry Jones, District Manager
Tonto Village Domestic Water Improvement District
HC7 Box 180,
Payson, AZ 85541

RE: Proposed Water Resources Development and Planning Strategy

Dear Mr. Jones,

Thank you for contacting Highland Water Resources Consulting Inc. "HWRC" in regard to preparing an outline for water resources development and planning for the Tonto Village Domestic Water Improvement District or "District". The following is a brief summary of actions proposed to help guide the District in its efforts to secure and maintain reliable potable groundwater supply for the community.

Demand

It is extremely important to first understand the community's peak water demands in order to determine what additional infrastructure, if any, is needed. It is recommended that a detailed demand analyses be performed in order to define the peak demand and set usage targets. In this way, any needs for additional storage, well production, and distribution infrastructure improvements can be considered in light of the actual need. A conservation plan can then be developed and maintained in order help ensure that the district is able to meet demands for water consistent with its current and future abilities.

Well Production and Storage

Well production, water storage, and distribution piping work in concert to provide consistent service for a potable water system. It is desirable to maintain an efficient system capable of meeting both peak demand and fire flow (if applicable and/or desired). Storage and well production capacity can be considered together to identify needs and develop alternatives. Along with demand, elements such as geology, water quality, property size and availability, elevation, distribution infrastructure, power, septic set backs, and access must be considered

Like much of the Mogollon Rim area, Tonto Village's underlying geology is complex and will require a detailed look into the opportunities that may exists for new wells and/or the deepening of existing wells. It should be understood that simply "going deeper" in an existing well is not always the answer. Because of the areas hydrogeology

it is strongly recommended that an "optimum well site analyses" be conducted to identify the sites with the highest potential for installing safe and useful groundwater production well(s). Such a study may find that an existing well is the best option but this is often not the case. When installing a new well adjacent to an older well it is also important to consider proper separation of the two. Ultimately, well design and construction techniques need be carefully considered alongside the selected site's hydrogeology before drilling. Because the distribution system and many homes already exists in the area the opportunities should also be considered in light of limiting factors such as septic locations, power supply, distribution infrastructure, and set-backs.

Septic set-backs appear to be an extremely limiting factor in the area. New wells and/or modification to existing wells may not be done without special construction and/or permitting requirements, if allowed at all. Opening a dialogue early in the process with Gila County Health Department staff and the Arizona Department of Water Resources will help to address this issue.

Identify and Repair Distribution System Leaks

While the potential addition of more well production and storage facilities constitute vast improvements, a leaky distribution system can offset the benefit. Therefore, as part of annual O&M and any consideration of new wells (or improvements to existing wells), it is highly recommended that problem areas in the distribution piping be identified and repaired concurrent to the any well or storage facilities improvements.

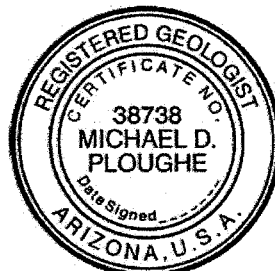
Set Priorities and Budget

Once all the issues and alternative solutions have been identified, priorities can be defined interactively with cost estimates. Each option can then be considered in light of the costs and benefits for the District's consideration and an improvement program established.

The above recommendations are baseline procedures that should help to move forward the development and improvement of water resources for Tonto Village. HWRC will remain available to assist in carrying out and/or assisting with the implementation of the recommendations. HWRC's statement of qualifications has been attached to this letter for your consideration. Please feel free to contact me anytime should you wish to discuss how HWRC might be of further assistance to the District.

Regards,

Michael Ploughe P.G.
HWRC
928-468-0252
mike@highlandh2o.com



Expires 3/31/09



HIGHLAND WATER
RESOURCES CONSULTING Inc.

Water Resources Solutions

STATEMENT OF QUALIFICATIONS
HIGHLAND WATER RESOURCES CONSULTING INC.
"HWRC"

MICHAEL PLOUGHE P.G., PRINCIPAL

AZBTR #38738 / 11561 Firm Reg.

P.O. Box 891 Payson, Arizona 85547

(928)-468-0252

mike@highlandh2o.com

I. COMPANY PROFILE

Highland Water Resources Consulting Inc. "HWRC" was organized in 2000 to provide affordable water resources consulting services for northern Arizona communities. Company founder and Principal, Mr. Michael Ploughe P.G., has focused the company towards solving complex water resources challenges through communication, innovation, advanced technology, and foresight. HWRC strives to keep clients up to date and involved in their projects. As such, HWRC is purposefully a small results oriented company focused on professionally and systematically solving water resources challenges without over analyzing. HWRC understands the water resources arena and the challenges facing communities of the western U.S. and comes to the table prepared to identify solutions through creativeness and innovation. HWRC also recognizes the need and importance of fiscally sound and environmentally compatible solutions. HWRC brings sixteen years of experience in working with water resources projects involving Federal, State, and Local entities and their processes such as ADEQ, ADWR, Municipalities, Bureau of Reclamation, NEPA, Public Water Districts, and more. HWRC is proud to offer valuable interdisciplinary water resources experience.

II. Consulting Services Provided by HWRC:

- ✓ Water Resources Planning and Management
- ✓ Expert Witness for Regional Water Issues
- ✓ Management Strategies for Conjunctive Use and Achieving Sustainability
- ✓ Conservation Planning
- ✓ Regional and Site Specific Hydrogeological Analysis
- ✓ Remote Sensing, Fracture Trace, and Geological Mapping
- ✓ Groundwater Exploration and Water Adequacy
- ✓ Groundwater Data Compilation and Analysis
- ✓ Optimum Well Site Selection and Well Design
- ✓ Aquifer and Pump Testing Design and Analysis
- ✓ Water Budget and Sustainability Assessments
- ✓ Reclaimed Water Recharge and Reuse Strategies
- ✓ Hydrologic Monitoring
- ✓ Technical and Non-Technical Report Preparation

III. HWRC Applied Water Resources Experience

Town of Payson

Highland's principal, Mr. Michael Ploughe P.G., is also currently employed as the Town of Payson's Hydrogeologist. The Town of Payson, a community of approximately 17,000 in central Arizona, currently utilizes groundwater from a hard rock aquifer as its only source of supply and is striving to augment its groundwater supplies with newly accessible surface water. Mr. Ploughe has gained valuable applied experience while working for the Town since 1996 collecting, analyzing, presenting, and maintaining water resources data to successfully manage the Town's existing and future water resources in a physically complex and politically charged environment. Please see staff qualifications below for further details.

Strawberry Hollow Domestic Water Improvement District (SHDWID)

HWRC has provided technical consulting services relating to the exploration, successful development, and management of a previously untapped deep regional groundwater source in Pine, Gila County, AZ. In 2005, HWRC prepared an application for a designation of an adequate water supply with a supporting hydrogeological study. Through HWRC's efforts, the SHDWID obtained the first 100 year water adequacy statement ever issued in Pine, AZ. *Status 2008: Active.*

Milk Ranch LLC.

In 2006, HWRC provided geological mapping and fracture trace analysis services for the selection of another drilling site in Pine, AZ. Following well site selection, HWRC provided the specifications and direct oversight of the drilling and completion of a deep production well, conducted aquifer tests, and prepared testing reports. The project was a success with the installation of the highest yield production well currently located in Pine, AZ. To date HWRC continues to support this project. *Status 2008: Active.*

Misc. Private Venture Projects

HWRC has assisted developers and private water companies with water supply investigations including: aquifer tests, geological mapping, fracture trace analyses, support for geophysical investigations, water supply demonstrations, water quality sampling, water reuse, and more. *Status 2008: Active*

Misc. Public Water Projects

HWRC has provided water resources consulting services for numerous public projects including those of the Pine Strawberry WID, Pine Creek Canyon DWID, Canyon River Ranch DWID, Ellison Creek Summer Homes, USDA Sharp Creek Campground, Solitude Trail DWID and, most recently, for the Tonto Village DWID. These projects include project management services, development of well and drilling specifications, planning, routine monitoring, preparation of technical reports, aquifer testing, and more.

Status: 2008: Active.

IV. HWRC – Staff Qualifications and Affiliations

Principal Hydrogeologist -- Michael Ploughe P.G. #38738

Michael Ploughe is an Arizona native who has been working with water resources in Arizona since 1992. His Bachelors of Science degree in Geology was earned from Arizona State University in 1994. That same year he completed geology field camp at Arizona State University's Camp Tontazona, located near Kohl's Ranch, Arizona. He learned a great deal about the geology and hydrogeology of the "Rim County" while mapping the geology in areas adjacent to the Colorado Plateau. Michael considers this experience one of the keys to his success in the region as a hydrogeologist and water resources professional. He considers education a lifelong process and continually strives to learn more in the areas of water resources and hydrogeology by keeping actively involved in the water resources arena. Additionally, Mr. Ploughe has cultivated over fourteen years of professional level experience while serving as the Town of Payson's Hydrogeologist and while working for the Arizona Department of Environmental Quality ("ADEQ") early in his career.

Michael began working for the Town of Payson in 1996. Mike's experience with the Town of Payson includes the implementation and management of many diverse water resources projects including: technical lead and planner for the delivery and management of Blue Ridge surface water, technical lead and program manager for the Bureau of Reclamation's Mogollon Rim Water Resources Management Study, groundwater exploration program management, NEPA team leader, implementation of the Town's long term water resources management plan, managing and developing reclaimed water recharge projects, water resources field data collection and analysis, GIS, storm water management program development, and water well infrastructure maintenance. The Town has benefited greatly from his efforts.

During Mike Ploughe's term as the Town of Payson's Hydrogeologist, water production capability has been more than tripled for the Town of Payson through his water supply and demand management efforts. His continued success can be attributed to his interdisciplinary approach, communication skills, and understanding of how groundwater occurs within complex settings.

In 1999, Mr. Ploughe began advising for those needing help with their water resources in northern Arizona and in particular, northern Gila County. As a result, he formed Arizona HydroSource in 2000 which was renamed Highland Water Resources Consulting Inc. in 2005. Mr. Ploughe's experience as a consultant includes the identification, testing, and successful development of previously untapped deep groundwater sources in northern Gila County, AZ. Ploughe has also been involved with multiple public and private water resources planning, management, and investigation projects. Ploughe's most recent success stories include the demonstration of a 100 year adequate water supply in Pine, AZ and the subsequent installation of another successful well also in Pine. Pine has historically been an area of chronic water shortages and via his expert witness testimony for the ACC these new sources are likely to be made available for use in the community of Pine soon.

The following is a brief summary of his achievements both within and outside of the Town of Payson:

- ✓ Developed comprehensive and complex water supply and demand projections.
- ✓ Developed comprehensive water resources management strategies utilizing both demand and supply side avenues as a model for achieving sustainability.
- ✓ Prepared and successfully delivered numerous public water resources presentations in often complicated, emotionally charged, and politically sensitive settings for the following groups: USDA NEPA public scoping, Payson Town Council, Arizona State Legislature, Rotary, Public Television, Gila Community College, and more.
- ✓ Prepared and produced data for public outreach programs such as web sites, informational videos, and fact sheets.
- ✓ Successfully employed regional scale surface and groundwater sampling program utilizing stable isotope and water chemistry to define a regional hydrogeological framework and conceptual groundwater model.
- ✓ Responsible for the site selection and development of groundwater supplies of regional significance in central Arizona yielding implications for a change in perspectives concerning groundwater supplies within the crystalline basement rocks of the southwestern United States.

- ✓ Successfully implemented multiple water supply infrastructure maintenance and rehabilitation programs for groundwater wells.
- ✓ Developed reality based conservation guidelines.
- ✓ Managed and successfully completed two groundwater exploration projects within the Tonto National Forest, with a third pending.
- ✓ Directed the drilling and completion of the first deep regional aquifer test well in Pine, AZ. This was the first well to successfully produce groundwater from a previously untapped deep regional groundwater source beneath the community of Pine. This well has now been approved by ADWR as a 100 year adequate supply.

Mr. Ploughe's experience with the ADEQ from 1992 to 1996 included working under the ADEQ/EPA preliminary assessment and site investigation and the remedial investigations hydrology units. He supported and conducted hydrologic characterization projects, remedial investigations, reports preparation, and water quality sampling. Through his time at ADEQ, Ploughe developed an understanding of the importance of the environment when considering water resources management and protection. Of key relevance, Ploughe developed an understanding of how to work with State and Federal agencies while gaining an understanding of government process.

Mr. Ploughe maintains membership in the following associations and/or committees:

- ✓ National Groundwater Association "NGWA"
- ✓ American Water Works Association "AWWA"
- ✓ Geological Society of America "GSA"
- ✓ Arizona Hydrological Society "AHS"
- ✓ Arizona Water and Pollution Control Association "AWPCA"
- ✓ Arizona Rural Water Association "ARWA"
- ✓ Mogollon Rim Water Resources Management Study, Tech. Committee

In addition to his education earned from Arizona State University, Mr. Ploughe has completed and attended numerous specialized training courses and symposia:

- ✓ Participation at the 2008 AWWA Sustainable Water Supplies Conference, in Reno NV.
- ✓ Participation at the International Symposium of Managed Aquifer Recharge, "ISMAR 2007", in Phoenix, AZ.
- ✓ Annual to Semi-annual attendance at AHS, AWWA, NGWA, and AWPCA conferences and symposiums.
- ✓ Biennial symposium on artificial recharge and Integrated Water Management, AHS.
- ✓ Fundamentals of Groundwater Geochemistry, NGWA, 2000.
- ✓ Fracture Trace and Lineament Analysis: Application to Groundwater Resources Characterization and Protection, NGWA, Penn State University, 1999.
- ✓ Groundwater Flow and Well Hydraulics for Fractured Media, University of Wisconsin Madison, 1997.
- ✓ Groundwater Flow and Well Hydraulics for Porous Media, University of Wisconsin Madison, 1997.
- ✓ Borehole Geophysical Methods, COLOG Inc., Vail Colorado, 1995.

Michael Ploughe holds the following licenses and/or certifications:

- ✓ Licensed Professional Geologist – Arizona, #38738
- ✓ Certified Grade IV Operator: Water Distribution and Treatment
- ✓ Certified Grade II Operator: Wastewater Collections and Treatment
- ✓ OSHA Hazardous Materials Certification

Special Note: Mr. Ploughe is currently an employee of the Town of Payson. As such, HWRC will not provide services within the Town of Payson. In Addition, HWRC will not provide services to clients where interests directly concerning the Town of Payson exist.

REFERENCES

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